REMARKS

Reconsideration of the present application in view of the remarks below is respectfully requested. Claims 1-20 and 30-54 are pending, among which claims 38-41 and 44-54 are withdrawn from consideration.

Election/Restrictions

Claims 38-41 and 44-54 stand withdrawn from consideration as being directed to non-elected species or a non-elected invention. Applicants respectfully request joinder of these claims upon the allowance of a generic product claim, as provided by 37 C.F.R. §§ 1.141(a) and (b).

Rejections Under 35 U.S.C. § 102

Claims 1-10, 16-20, 30-37, 42 and 43 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Cook *et al.* (U.S. Patent No. 5,916,585). More specifically, the Patent Office asserts that the '585 patent discloses a stent graft coated with agents as claimed in the present application (citing col. 6, line 26 to col. 15, line 55 of the '585 patent).

Applicants respectfully traverse this ground of rejection. Applicants submit that the '585 patent fails to disclose a stent graft that releases an *in vivo* adhesion-inducing agent or a stent graft that induces or accelerates an *in vivo* fibrotic reaction as claimed in the present application. More specifically, the '585 patent relates to the modification of bioabsorbable polymers to render the absorbable polymers more hydrophilic and to provide functional attachment sites for the immobilization of bioactive species onto the absorbable polymeric substrates. However, the only immobilized bioactive species on vasclular stent-grafts that are specifically disclosed in the '585 patent are anti-coagulant factors to improve vascular potency of the vascular stent-grafts (*see*, col. 6, lines 44-50 of the '585 patent). Should this rejection be maintained, Applicants respectfully request that the description of stent grafts as claimed in the present application be specifically located in the '585 patent.

In view of the above remarks, Applicants respectfully submit that this ground of rejection under 35 U.S.C. § 102(e) has been overcome. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-20 and 30-37 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pinchuck (U.S. Patent No. 5,628,788) in view of Cook *et al.* (U.S. Patent No. 5,916,585). More specifically, the Patent Office asserts that (1) the '788 patent discloses a stent graft; (2) the '585 patent discloses agents that induce *in vivo* adhesion; and (3) it would have been obvious to one of ordinary skill in the art to coat the stent graft according to the '788 patent with the agents according to the '585 patent to enhance the adhesion of the stent graft to the blood vessel wall and to prevent the migration of the stent graft.

Applicants respectfully traverse this ground of rejection. Applicants submit that the '788 patent and the '585 patent, either alone or in combination, fail to teach or suggest the presently claimed invention. More specifically, neither of the cited patents provides the motivation asserted in the Action (*i.e.*, to enhance the adhesion of the stent graft to the blood vessel wall and to prevent the migration of the stent graft) for one of ordinary skill in the art to combine these two patents. The mere fact that the teachings of the prior art *can* be combined or modified, or that a person having ordinary skill in the art is *capable* of combining or modifying the teachings of the prior art, does not make the resultant combination *prima facie* obvious, as the prior art must also suggest the desirability of the combination (*see, e.g.*, *In re Mills*, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); *In re Fritch*, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992)). Such desirability cannot be obtained via the hindsight gleaned from the invention itself (*see*, *Sensonics, Inc. v. Aerosonic Corp.*, 38 USPQ2d 1551 (Fed. Cir. 1996)). In the instant case, the motivation asserted in the Action appears to be based on the prohibited hindsight from the present invention because no evidential support for the motivation has been provided in the Action.

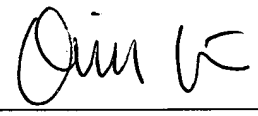
In view of the above remarks, Applicants submit that this ground of rejection under 35 U.S.C. § 103(a) has been overcome. Withdrawal of this rejection is respectfully requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants believe that all of the claims remaining in the application are now allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC



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